

REMARKS

Claims 1-9 are pending in the present application with claims 7 and 8 being amended.

Objection to Claim 8 under 37 CFR § 1.75(c)

Claim 8 stands objected to as being dependent on a multiple dependent claim. Claims 7 and 8 have both been amended to depend from claim 1 and thus are no longer in multiple dependent form. Therefore, claim 8 is also no longer dependent on a multiple dependent claim. In view of the amendments to claims 7 and 8, it is respectfully submitted that this objection is satisfied and should be withdrawn.

Rejection of Claims 1 and 3-9 under 35 USC § 102(e)

Claims 1 and 3-9 are rejected under 35 USC §102(e) as being anticipated by Xue et al. (United States Patent No. 6,061,655).

The present claimed invention recites a device for managing an application composed of instructions executable by an execution system. The execution system communicates with an operating system so as to access the resources of the device. The device comprises an applications management module which can execute at least one management instruction set. The management instructions modify, via functions, the running of an application executed by the operating system and/or the execution system. The execution of a management instruction is initiated upon a change of state of the application and/or upon an event external to the device. The external event is preferably a user command or the reception of new data. Independent Claims 1 and 9 includes similar limitations to those described above.

Xue et al. neither disclose nor suggest “an applications management module which can execute at least one management instruction set, said management instructions modifying via functions the running of an application” as in the present claimed invention. In fact, on page 4, item 14 of the rejection, the Examiner agrees that Xue et al. neither discloses nor suggests the device for managing the application, i.e. “the applications management module” of the present claimed invention.

Xue et al. discloses an audio decoder “that can concurrently produce two synchronized outputs of a digital audio stream at different sampling rates and can provide for seamless switching between the rates” (See Abstract). A controller 402 is coupled to the multimedia decoder 228 to configure their behavior and also transmit status and request information to an external microcontroller 230 (see Xue et al. column 5, lines 62 to 77). The microcontroller 230 can provide “various operating instructions (e.g. reset, begin decode, playback mode)” to the controller 402 (see Xue et al. column 6, lines 3 – 7). Thus, for example, a user can command the controller 402 for beginning the decoding and listening to the audio content (and/or the video content). Additionally, Xue et al. disclose that “[o]ther operating instructions may be found in the encoded multimedia bit stream and provided to controller 402 (e.g. navigation commands)” (see column 6, lines 6 to 9). This means that the encoded data may also contain operating instructions, and in this case, these instructions are provided to the controller 402. Therefore, the audio and/or video data transmitted in the stream are controlled by the controller 402 according to operating instruction provided, either by the external controller 230, or by the encoded data in the bit stream.

The data transmitted in the bit stream of Xue et al. is not an “application composed of instructions executable by an execution system” as in the present claimed invention. Therefore, if Xue et al. teaches an application, it is the operating system of the controller 402. According to Xue et al., the data included in the bit stream are decoded (if corresponding to audio/video content) and transmitted to the controller for modifying the running of the controller 402. In the present claimed invention, the device includes 1) “an applications management module which can execute at least one management instruction set” and 2) “an application composed of instructions executable by an execution system”. The application management module (first software module) in the present claimed invention “modifies via functions the running of” the application executed by the operating system and/or execution system (second software module). Xue et al. merely discloses only one software module that runs in the controller 402. Further, Xue et al. disclose that commands for modifying the

behavior of controller 402 are provided by several sources (user, bit stream) but not by an executable software module as in the present claimed invention.

Xue et al. also neither disclose nor suggest that “the reception of new data” can be “an event external” as in the present claimed invention. In fact, as discussed above Xue et al. disclose that the data of the bit stream is decoded and contains instructions for operating the controller 402. Furthermore, Xue et al. neither disclose nor suggest “initiat[ing] the execution of a management instruction” wherein “said management instructions modifying via functions the running of an application” as in the present claimed invention. Rather, Xue et al. discloses the opposite whereby the operating instructions received via the bit stream directly control the controller 402. Therefore, it is respectfully submitted that the present claimed invention provides a different solution than the one disclosed by Xue et al.

Regarding claim 9, the present claimed invention discloses a digital decoder including means for receiving at least one application, the application is composed of instructions executable by an execution system. The decoder further includes an applications management module which can execute at least one set of at least one management instruction wherein the management instruction modifies via a function the running of the application. As discussed above, with respect to claim 1, Xue et al. neither discloses nor suggests “an applications management module which can execute at least one set of at least one management instruction” as in the present claimed invention.

In view of the above remarks, it is respectfully submitted that the present invention as claimed in claims 1 and 9 is not anticipated by Xue et al. As claims 3 – 8 are dependent on claim 1, it is respectfully submitted that claims 3 – 8 are patentable for the same reasons as discussed above with respect to claim 1. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Rejection of Claims 2, 7 and 9 under 35 § 103(a)

Claims 2, 7 and are rejected under 35 U.S.C. § 103(a) as being unpatentable over Xue et al. (6061655) in view of Zenda (5809245).

Zenda discloses receiving and decoding of audiovisual compressed data. In Zenda, "an MPEG stream is transferred to an MPEG2 decoder on the system board at a variable rate,...data... are decoded by the MPEG2 decoder... The sub-picture image drawn in the VRAM is synthesized with the video from the MPEG2 decoder by a multimedia display controller and displayed on a screen".

Figure 7 of Zenda explains the running of executable instructions (see also column 9, lines 49 – 59). Therein it states, "a variable length decoder (VLD) 35 is controlled by an incorporated 32-bit RISC (reduced instruction set computer) 37. The RISC 37 is operated by software stored in an IMEM (instruction memory) of 2Kword. The top of the column 10 presents the different instruction executable by the RISC and provided for controlling the VLD. Similarly to Xue et al, ZENDA neither discloses nor suggests a device comprising 1) "an applications management module which can execute at least one management instruction set" and 2) "an application composed of instructions executable by an execution system" as in the present claimed invention. Furthermore Zenda et al. neither discloses nor suggests that the application management module (first software module) "modifies via functions the running of" the application executed by the operating system and/or execution system (second software module) as in the present claimed invention. On the other hand, Zenda discloses that the RISC directly provides the instructions to the VLD. Therefore, Zenda neither discloses nor suggests two distinct software operating system (modules) wherein the first module modifies the running of the second module as in the present claimed invention.

Therefore, it is respectfully submitted that Zenda, similarly to Xue et al., does not disclose or suggest that the device comprises "an applications management module which can execute at least one management instruction set, said management instructions modifying via functions the running of an application" as in the present claimed invention.

In view of the above remarks, it is respectfully submitted that Zenda adds nothing to Xue et al. that would make the present invention as claimed in claims 1 and 9 unpatentable. As claims 2 and 7 are dependent on claim 1, it is respectfully submitted that claims 2 and 7 are patentable for the same reasons as discussed above with respect

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to claim 1. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

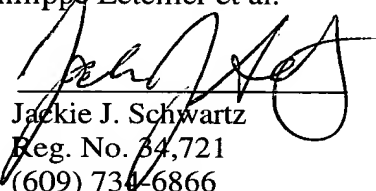
Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

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Respectfully submitted,
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By:

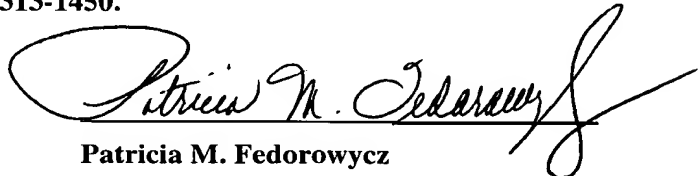

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February 3, 2004
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Patricia M. Fedorowycz